

**Patent 8,067,044**

**PATENT APPLICATION  
IN UNITED STATES PATENT AND TRADEMARK OFFICE**

Patent No.:	8,067,044	Docket No:	C 2925 PCT/US
Issue Date:	November 29, 2011	Patentee:	Florence Henry, et al
Title	Cosmetic Composition Comprising an Extract of the Leaves of the Castanea Sativa Plant and Cosmetic Treatments		
		Confirmation No.:	8591

---

**REQUEST FOR CERTIFICATE OF CORRECTION**

ATTN: Certificate of Correction Branch  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

A Certificate of Correction for the above-identified patent is requested pursuant to 37 C.F.R. § 1.322 to correct mistakes which, it is respectfully submitted, are attributable to the Office. Accompanying this request is evidence to show that the error is attributable solely to the Office, and, pursuant to MPEP 1480.01, patentee requests expedited issuance of the Certificate of Correction.

Patentee seeks correction of issued claim 12. In patentee's Response to Final Office Action dated June 6, 2011 (attached as Exhibit 1), claim 31 depends on claim 30. A Notice of Allowance was issued on July 26, 2011 (attached as Exhibit 2) allowing, *inter alia*, claims 30 and 31. Claim 30 issued as claim 11, and claim 31 issued as claim 12. Issued claim 12 reads "the method of claim 1" instead of "the method of claim 11."

Patentee also seeks correction of issued claim 20. The Notice of Allowance (*see* Exhibit 2) included an Examiner's Amendment with the following amendments:

In claim 15, 34, and 38, at line 1 of each, the phrase "treatment of aged human skin" has been omitted and replaced with the phrase -- treating aged human skin of a subject in need thereof --.

Claim 38 issued as Claim 20. Claim 20 reads "treatment of aged human skin" in the issued patent instead of incorporating the Examiner's Amendment indicated above.

The text of the requested corrections on Certificate of Correction form PTO/SB/44 is attached. Issuance of the Certificate of Correction would neither expand nor contract the scope of the claims as properly allowed, and re-examination is not required.

The Examiner is authorized to charge any additional fees or credit overpayment to  
Deposit Account No. 50-3329

Please direct all correspondence to:

Respectfully submitted,

Date March 6, 2012  
33 Wood Avenue South  
Second Floor, Suite 210  
Iselin, New Jersey 08830  
732-815-0404

By /Karen M. Whitney, Reg. #52355/  
Karen M. Whitney  
Reg. No.: 52355

# EXHIBIT 1

## AMENDMENTS TO THE CLAIMS

This listing of claims will replace all prior versions, and listings, of claims in the applications.

### LISTING OF CLAIMS:

1-14. (Canceled)

15. (Currently Amended) A method for ~~cosmetic treatment of the human body~~ aged human skin ~~which comprises~~ comprising topically applying to the aged human skin a ~~cosmetic or~~ dermatopharmaceutical composition ~~for use in connection with topical application~~ comprising:

- (a) an extract of leaves of a Castanea sativa plant; and
- (b) at least one cosmetic and/or dermatopharmaceutical auxiliary and/or additive adapted for topical treatment of human skin selected from the group consisting of oil bodies, surfactants, emulsifiers, fats, waxes, pearlescent waxes, bodying agents, thickeners, superfatting agents, stabilizers, polymers, silicone compounds, lecithins, phospholipids, active ingredients produced by living organisms or biological processes, deodorants, antimicrobial agents, antiperspirants, film formers, antidandruff agents, swelling agents, insect repellents, hydrotropes, solubilizers, preservatives, perfume oils and dyes,

~~wherein said treatment in an amount effective~~ to provide[[s]] an anti-ageing effect.

16. (Canceled)

17. (Currently Amended) The method of claim 15, wherein the ~~cosmetic~~ treatment provides for the protection of human skin cells against UV-radiation.

18. (Currently Amended) The method of claim 15, wherein said ~~cosmetic~~ treatment of aged human skin provides at least one anti-ageing effect selected from the group consisting of an anti-free-radical effect and an anti-protease effect, with the proviso that the anti-ageing effect is not an anti-matrix-metalloprotease-effect or an antilipoxygenase effect.

19. (Currently Amended) The method of claim 15, wherein said ~~cosmetic~~ treatment of aged human skin provides an anti-ageing effect selected from the group consisting of a whitening effect and a lightening effect.

20. (Canceled)

21. (Previously presented) The method of claim 15, wherein, the concentration of said extract in said composition is 0.1 weight-% to 3 weight-% based on the composition.

22. (Previously presented) The method of claim 15, wherein said extract is obtained by the method comprising the steps of:

- (a) extracting the leaves of the Castanea sativa plant with a solvent selected from the group consisting of water, an alcohol and mixtures thereof, to form an extract; and
- (b) removing the solvent from said extract.

23-24. (Canceled)

25. (Currently Amended) The method of claim 15 for ~~cosmetic~~ treatment of the human body aged human skin comprising topically applying to the aged human skin a ~~cosmetic or~~ dermopharmaceutical composition for use in connection with topical application comprising:

- (a) 0.001 to 10 weight-%, based on the composition, of an extract of leaves of a Castanea sativa plant; and
- (b) at least one cosmetic and/or dermopharmaceutical auxiliary and/or additive adapted for topical treatment of human skin selected from the group consisting of oily bodies, surfactants, emulsifiers, fats, waxes, pearlescent waxes, bodying agents, thickeners, superfatting agents, stabilizers, polymers, silicone compounds, lecithins, phospholipids, active ingredients produced by living organisms or biological processes, deodorants, antimicrobial agents, antiperspirants, film formers, antidandruff agents, swelling agents, insect repellents, hydrotropes, solubilizers, preservatives, perfume oils and dyes, ~~wherein said treatment in an amount effective to provide~~ to provide ~~[[s]]~~ an anti-ageing effect.

26. (Previously Presented) The method of claim 25, wherein said extract is obtained by a method comprising the steps of:

- (a) extracting the leaves of the Castanea sativa plant with a solvent selected from the group consisting of water, an alcohol and mixtures thereof, to form an extract; and
- (b) removing said solvent from said extract.

27-29. (Canceled)

30. (Previously presented) The method of claim 15, wherein component (b) comprises a thickener.

31. (Previously presented) The method of claim 30, wherein said thickener comprises a polysaccharide.

32. (Previously presented) The method of claim 25, wherein component (b) comprises a thickener.

33. (Previously presented) The method of claim 32, wherein said thickener comprises a polysaccharide.

34. (Currently Amended) A method for ~~cosmetic~~ treatment of ~~the human body~~ aged human skin ~~which comprises the step of~~ comprising topically applying to the aged human skin a ~~cosmetic or~~ dermopharmaceutical composition ~~for use in connection with topical application~~, said composition consisting of:

- (a) an extract of leaves of a Castanea sativa plant; and
- (b) one or more thickeners;

~~wherein said treatment~~ in an amount effective to provide[[s]] an anti-ageing effect.

35. (Currently Amended) The method of claim 34, wherein said ~~cosmetic or~~  
dermopharmaceutical composition ~~for use in connection with topical application~~ consists of:

- (a) 0.001 to 10 weight-%, based on the composition, of an extract of leaves of a Castanea sativa plant; and
- (b) one or more thickeners;

~~wherein said treatment~~ in an amount effective to provide[[s]] an anti-ageing effect.

36. (Previously presented) The method of claim 34, wherein said thickeners are selected from the group consisting of polysaccharides.

37. (Previously presented) The method of claim 35, wherein said thickeners are selected from the group consisting of polysaccharides.

38. (Currently Amended) A method for ~~cosmetic treatment of the human body~~ aged human skin comprising which comprises the step of topically applying to the aged human skin a ~~cosmetic or~~  
dermopharmaceutical composition ~~for use in connection with topical application~~, said composition consisting of:

- (a) an extract of leaves of a Castanea sativa plant;
- (b) one or more thickeners; and
- (c) water;

~~wherein said treatment provides an anti-ageing effect~~ in an amount effective to inhibit the secretion of elastase present or to stabilize or scavenge free radicals present as a result of the process which produced the aged human skin.

39. (Currently Amended) The method of claim 38, wherein said ~~cosmetic or~~  
dermopharmaceutical composition ~~for use in connection with topical application~~ consists of:

- (a) 0.001 to 10 weight-%, based on the composition, of an extract of leaves of a Castanea sativa plant;
- (b) one or more thickeners; and
- (c) water;

~~wherein said treatment provides an anti-ageing effect~~ in an amount effective to inhibit the secretion of elastase present or to stabilize or scavenge free radicals present as a result of the process which produced the aged human skin.

40. (Previously presented) The method of claim 38, wherein said thickeners are selected from the group consisting of polysaccharides.

41. (Previously presented) The method of claim 39, wherein said thickeners are selected from the group consisting of polysaccharides.

42. (New) The method of claim 15 wherein the dermatopharmaceutical composition is topically applied to skin showing signs of ageing.

43. (New) The method of claim 18 wherein the anti-protease effect is inhibiting the secretion of elastase present as a result of the process that produced the aged human skin.

44. (New) The method of claim 18 wherein the anti-free radical effect is stabilizing or scavenging free radicals present as a result of the process which produced the aged human skin.



# EXHIBIT 2



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

## NOTICE OF ALLOWANCE AND FEE(S) DUE

23657 7590 07/26/2011  
DIEHL SERVILLA LLC (COG/CGG)  
33 WOOD AVE SOUTH  
SECOND FLOOR, SUITE 210  
ISELIN, NJ 08830

EXAMINER	
TATE, CHRISTOPHER ROBIN	
ART UNIT	PAPER NUMBER
1655	

DATE MAILED: 07/26/2011

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/597,964	01/16/2007	Florence Henry	C 2925 PCT/US	8591

TITLE OF INVENTION: COSMETIC COMPOSITION COMPRISING AN EXTRACT OF THE LEAVES OF THE CASTANEA SATIVA PLANT AND COSMETIC TREATMENTS

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1510	\$300	\$0	\$1810	10/26/2011

**THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.**

**THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.**

### HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

**IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.**

PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: **Mail** Mail Stop ISSUE FEE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
or **Fax** (571)-273-2885

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)			Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.		
23657	7590	07/26/2011			
DIEHL SERVILLA LLC (COG/CGG)			<b>Certificate of Mailing or Transmission</b>		
33 WOOD AVE SOUTH			I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.		
SECOND FLOOR, SUITE 210					
ISELIN, NJ 08830					
			(Depositor's name)		
			(Signature)		
			(Date)		

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/597,964	01/16/2007	Florence Henry	C 2925 PCT/US	8591

TITLE OF INVENTION: COSMETIC COMPOSITION COMPRISING AN EXTRACT OF THE LEAVES OF THE CASTANEA SATIVA PLANT AND COSMETIC TREATMENTS

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1510	\$300	\$0	\$1810	10/26/2011

EXAMINER	ART UNIT	CLASS-SUBCLASS
TATE, CHRISTOPHER ROBIN	1655	424-774000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363). <input type="checkbox"/> Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached. <input type="checkbox"/> "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. <b>Use of a Customer Number is required.</b>	2. For printing on the patent front page, list (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, 1_____ (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed. 2_____ 3_____
----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE	(B) RESIDENCE: (CITY and STATE OR COUNTRY)
----------------------	--------------------------------------------

Please check the appropriate assignee category or categories (will not be printed on the patent) : ☐ Individual ☐ Corporation or other private group entity ☐ Government

4a. The following fee(s) are submitted: <input type="checkbox"/> Issue Fee <input type="checkbox"/> Publication Fee (No small entity discount permitted) <input type="checkbox"/> Advance Order - # of Copies _____	4b. Payment of Fee(s): ( <b>Please first reapply any previously paid issue fee shown above</b> ) <input type="checkbox"/> A check is enclosed. <input type="checkbox"/> Payment by credit card. Form PTO-2038 is attached. <input type="checkbox"/> The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).
------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

5. **Change in Entity Status** (from status indicated above)

<input type="checkbox"/> a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27.	<input type="checkbox"/> b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).
------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature _____	Date _____
Typed or printed name _____	Registration No. _____

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/597,964	01/16/2007	Florence Henry	C 2925 PCT/US	8591

23657 7590 07/26/2011  
DIEHL SERVILLA LLC (COG/CGG)  
33 WOOD AVE SOUTH  
SECOND FLOOR, SUITE 210  
ISELIN, NJ 08830

EXAMINER
----------

TATE, CHRISTOPHER ROBIN

ART UNIT	PAPER NUMBER
----------	--------------

1655

DATE MAILED: 07/26/2011

## Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 0 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 0 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.



## Privacy Act Statement

**The Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

<b>Notice of Allowability</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/597,964	HENRY ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	Christopher R. Tate	1655

  

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the communication filed 06 June 2011.

2. ☒ The allowed claim(s) is/are 15,17-19,21,22,25,26 and 30-44.

3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All    b) ☐ Some\* c) ☐ None    of the:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.

5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.  
(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached  
1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.  
(b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

**Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**

6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

  

<b>Attachment(s)</b>	
1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	5. <input type="checkbox"/> Notice of Informal Patent Application
2. <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)	6. <input type="checkbox"/> Interview Summary (PTO-413), Paper No./Mail Date _____.
3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date <u>0207</u>	7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment
4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material	8. <input type="checkbox"/> Examiner's Statement of Reasons for Allowance
	9. <input type="checkbox"/> Other _____.

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 06 June 2011 has been entered.

### ***Examiner's Comment***

The pending claims have been examined on the merits and found allowable - as amended within the Examiner's Amendment set forth below.

### ***Examiner's Amendment***

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Rebecca Smirk on 11 July 2011.

Art Unit: 1655

IN THE CLAIMS:

In claims 15, 34, and 38, at line 1 of each, the phrase "treatment of aged human skin" has been omitted and replaced with the phrase --treating aged human skin of a subject in need thereof--.

In claim 21, at lines 1-2, the phrase "concentration of said extract in said composition is 0.1 weight- % to 3 weight- %" has been omitted and replaced with the phrase --amount of the Castanea sativa extract in said composition is 0.1 wt % to 3 wt % --.

In claim 22, at line 1, the phrase "obtained by the" has been omitted and replaced with the phrase --obtained by a--.

Claim 25 has been amended to read as follows:

--

25. The method of claim 15, wherein the amount of the Castanea sativa extract in said composition is 0.001 wt % to 10 wt % based on the composition.

--

Claim 35 has been amended to read as follows:

--

35. The method of claim 34, wherein the amount of the Castanea sativa extract in said composition is 0.001 wt % to 10 wt % based on the composition.

--



Art Unit: 1655

In claim 38, at line 9, the phrase "result of the" has been omitted and replaced with the phrase --result of a--.

Claim 39 has been amended to read as follows:

--

39. The method of claim 38, wherein the amount of the *Castanea sativa* extract in said composition is 0.001 wt % to 10 wt % based on the composition.

--

In claim 43, at line 2, the phrase "the process that" has been omitted and replaced with the phrase --a process which--.

In claim 44, at line 2, the phrase "the process" has been omitted and replaced with the phrase --a process--.

***Conclusion***

Claims 15, 17-19, 21, 22, 25, 26, and 30-44 are allowed.

Please note, an examiner-initialed completely dated copy of the Information Disclosure Statement filed 20 February 2007 is attached.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher R. Tate whose telephone number is (571)272-0970. The examiner can normally be reached on Mon-Thur, 6:30-3:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terry McKelvey can be reached on (571) 272-0775. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Christopher R Tate/  
Primary Examiner, Art Unit 1655